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DANIEL P. SCHUERING  
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LEGAL ASSISTANT

**VIA HAND DELIVERY**

November 5, 2004

**ORIGINAL**

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Mr. David Lazarides  
Director of Information Processing  
Illinois Commerce Commission  
527 East Capitol  
Springfield, Illinois 62701

RE: Village of Tilton ICC Matter  
Our File No. 2180-90026

**RECEIVED**  
NOV 8 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

Dear Mr. Lazarides:

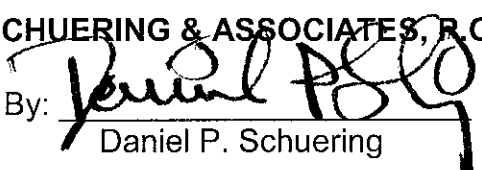
Enclosed with this letter for filing with the Illinois Commerce Commission are the original counterparts of Petitioner's Exhibits 13, 14 and 15. These items, the Structural Engineer's Affidavit, District Engineer's Approval Letter, and Final Construction Plans have been marked as Exhibits in the above-captioned case and admitted into evidence, subject only to filing of these documents with your office. We ask that your accept these for filing as a part of the record of the case.

Thank you for your attention to this correspondence. If I may supply you with any additional information regarding any aspect of this matter, please feel free to contact me at your convenience.

Very truly yours,

**SCHUERING & ASSOCIATES, P.C.**

By:

  
Daniel P. Schuering

DPS/vh  
Enclosures

Q:\Active Files\Village of Tilton\Commerce Commission Case\Letter to David Lazarides with Attachments.wpd

**DOCKETED**

NOV - 9 2004

BB-JOB

## PROOF OF SERVICE

The undersigned certifies that, on November 5, 2004, a copy of the foregoing instrument was served upon the following parties by depositing said instrument in the U.S. Mail, with First Class postage fully prepaid, at Springfield, Illinois, plainly addressed as follows:

Joseph H. O'Brien  
Administrative Law Judge  
Illinois Commerce Commission  
527 East Capitol  
Springfield, Illinois 62701

Neil F. Flynn  
Attorney At Law  
1035 South Second Street  
P. O. Box 37  
Springfield, Illinois 62705

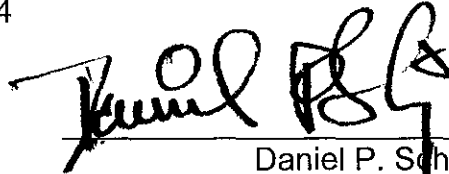
James C. Cook  
Attorney At Law  
Walker and Williams, P.C.  
4343 West Main Street  
Belleville, Illinois 62226

Thomas L. Overmyer, P.E.  
Daily & Associates, Engineers, Inc.  
1610 Broadmoor Drive  
Champaign, Illinois 61821

Stacey Hollo  
Attorney for IDOT  
Illinois Dept. of Transportation  
200 South Dirksen Parkway  
Springfield, Illinois 62764

Dave Speicher  
Illinois Dept. Of Transportation  
District 5  
13473 IL Hwy. 133  
P. O. Box 610  
Paris, Illinois 61944-0610

Jeff Harpring  
Illinois Dept. of Transportation  
2300 S. Dirksen Parkway, Room 204  
Springfield, Illinois 62764



Daniel P. Schuering

Daniel P. Schuering  
Schuering & Associates, P.C.  
3050 Montvale Drive, Suite B  
Springfield, Illinois 62791  
Telephone: (217) 698-6060  
FAX: (217) 698-6161

## ENGINEER'S AFFIDAVIT

Illinois Commerce Commission Order T00-0103

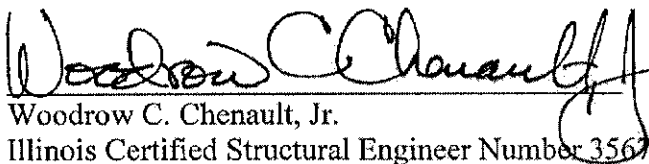
Village of Tilton, Vermilion County, Illinois

Construction of a Grade Separation Involving Two Bridges Carrying 14<sup>th</sup> Street  
(FAU 7010) Over the Tracks of Norfolk and Southern Railroad and CSXT

On the basis of the potential for underground mine related subsidence indicated in the report "Subsidence Engineering Investigation of the 14<sup>th</sup> Street Project, Tilton, Illinois" prepared by Gennaro G. Marino, PhD., P.E. of Marino Engineering Associates, Inc., Urbana, Illinois, dated November 18, 2002, and our and the Village of Tilton's discussions with and direction from the Illinois Department of Transportation, in my judgment as an Illinois Certified Structural Engineer, the solution provided involving two-stage mechanically stabilized earth retaining walls over the primary subsidence prone area east to the Norfolk and Southern Railroad on the project is an appropriate solution for the situation, providing the costs to install such a solution are not prohibitive, that periodic observations and inspections of the structure for distress are performed, with appropriate action taken in response to any observed distress, and a commitment by the Illinois Department of Transportation to assist the Village of Tilton in obtaining funding for any required future subsidence related repairs.

The mitigation measures taken are judged to reduce the damage and make the damage more repairable should a subsidence event affect the structure(s), but the mitigation measures taken will not remove the potential for damage or hazards resulting from a subsidence event.

DAILY & ASSOCIATES, ENGINEERS, INC.

 Date: 10-26-04  
Woodrow C. Chenault, Jr.  
Illinois Certified Structural Engineer Number 3567



PETITIONER'S Ex. 13



# Illinois Department of Transportation

Division of Highways / District 5  
13473 IL Highway 133 / P.O. Box 610 / Paris, Illinois / 61944  
Telephone 217/465-4181

October 26, 2005

Mr. David Lazarides  
Director of Processing and Information  
527 East Capitol Avenue  
Springfield, Illinois 62701

RE: ICC Docket T00-0103  
City of Tilton, 14<sup>th</sup> Street  
Section 00-00026-00-BR  
Vermilion County

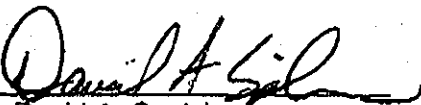
Dear Mr. Lazarides:

The Illinois Department of Transportation approves the use of a "two-stage" mechanically stabilized earth wall over the mined areas on the above captioned project.

If you should have any questions, please contact David Speicher, District Bureau of Local Roads and Streets Engineer, at 217/466-7252.

Sincerely,

D. Clark  
District Engineer

By   
David A. Speicher  
District Bureau of Local  
Roads and Streets Engineer

DAS:sn

0090N

70-4 PETITIONER'S EX 14